

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASMINE BURGESS, on behalf of all other
similarly situated,

Plaintiff,

v.

MAJOR MODEL MANAGEMENT, INC. and
GUIDO DOLCI

Defendants.

CIVIL ACTION NO.:
1:20-CV-02816-GHW

DECLARATION OF MATTHEW S. TROKENHEIM

I, Matthew S. Trokenheim, pursuant to 27 U.S.C. § 1746, declare under penalty of perjury that the foregoing is true and correct:

1. I am a partner with the law firm of Goldberg Segalla LLP (“GS”), attorneys for defendants Major Model Management, LLC (“Major”) and Guido Dolci (collectively, “Defendants”).

2. I submit this declaration in support of the motion by GS to withdraw as counsel for Defendants in the above-captioned matter.

3. GS has represented Defendants in the above-captioned action since November 18, 2020 pursuant to an engagement letter agreement that permits GS to terminate its representation if Defendants fail to pay bills when due.

4. From November 2020 to the present, Defendants have fallen behind in paying GS’s bills for legal fees and expenses, and are currently more than four months behind in paying outstanding invoices having paid only a small fraction of the fees and vendor expenses incurred to date.

5. Since the beginning of discovery following Plaintiff's amendment of their pleading to include class allegations, Defendants have been overwhelmed by the scope of discovery sought by Plaintiff.

6. Specifically, Defendants have noted that they suffer from technological obstacles, and limitations on staff and funds available to address their technological issues, and limitations on technological know-how available to address their technological issues in an efficient and expeditious manner.

7. Defendants have also indicated their financial condition is poor; their accounts payables far exceed their accounts receivables, and that their own collections have been hampered by market conditions.

8. These issues, combined with the large volume of discovery sought by Plaintiffs have resulted in the discovery sought far outpacing Defendants' ability to comply, necessitating frequent and lengthy meet and confers and court conference.

9. As a result, substantial legal fees and e-discovery vendor bills remain outstanding, and are expected to increase dramatically in the coming months.

10. On behalf of GS, I have informed Defendants that if they cannot make a substantial effort toward coming current on their bills, GS will move to withdraw as counsel.

11. In response, Defendants indicated their inability to pay existing and future bills, both for legal fees and vendor expenses necessary to comply with e-discovery obligations.

12. When informed of GS's intent to make this motion, Defendants asked that the amount of unpaid bills not be disclosed.

13. Allowing GS to withdraw as counsel at this time will not unduly delay this proceeding. Defendants have a motion to dismiss that is fully briefed and pending determination.

Defendants have produced more than 15,000 pages of documents, and while additional electronic documents remain outstanding, the current discovery schedule permits Plaintiff another three months to take this discovery.

Dated: New York, New York
August 31, 2021

GOLDBERG SEGALLA LLP

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